IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 12297 of 2005

Between:

1 P.Ajay Kumar, S/o.Pa.Rajeswara,
Flats of the Petitioners are situated under

Municipal No. 16-2-669 and 16-2-669/1, of CityTown,

Nalgonda X Road, Hyderabad.
2 Mohammed Younus, S/o.Siddik Bhai Dholiya,
Flats of the Petitioners are situated under

Municipal No. 16-2-669 and 16-2-669/1, of City Town,

Nalgonda X Road, Hyderabad.
3 Smt.Jameelunnisa, W/o.Sri Mohd.Badruddin Ahmmed,
Flats of the Petitioners are situated

under Municipal No. 16-2-669 and 16-2-669/1,

of CityTown, Nalgonda X Road, Hyderabad.
4. Farhat Sultana, W/o.Sri Abdul Sattar
Flats of the Petitioners are situated under

Municipal No. 16-2-669 and 16-2-669/1,

of CityTown, Nalgonda X Road, Hyderabad.
5. Smt.Laeeqaa Khatton, W/o.Mr.Mohsin Shah Nawaz Khan,
Flats of the Petitioners are situated

under Municipal No. 16-2-669 and 16-2-669/1,

of CityTown, Nalgonda X Road, Hyderabad.
6 Mohd.Naseeruddin, S/o.Mohd. Raziuddin,
Flats of the Petitioners are situated under

Municipal No. 16-2-669 and 16-2-669/1,

of CityTown, Nalgonda X Road, Hyderabad.
7 Mohd.Pasha, S/o.Mohammed Banday Ali,
Flats of the Petitioners are situated

under Municipal No. 16-2-669 and 16-2-669/1,

of CityTown, Nalgonda X Road, Hyderabad.
8 Mohd.Shujauddin Iqbal, S/o.Mohd Basheeruddin,
Flats of the Petitioners are situated under

Municipal No. 16-2-669 and 16-2-669/1,

of CityTown, Nalgonda X Road, Hyderabad.

..... PETITIONERS

AND

1 The Assistant City Planner, Circle No.1,

Municipal Corporation of Hyderabad,
Sardar Mahdal, Charminar, Hyderabad.
2 The Commissioner, Municipal Corporation

of Hyderabad, Tank Bund, Hyderabad-A.P

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring action of the Respondent No.1 and his staff dt.3-6-2005 orally asking the petitioner to handover their Registered Sale Deeds as to vacate the premises by 16-6-2005, in exchange for a meager unqualified compensation and threatening to demolishing their shops and Flats bearing Nos.23,28,27,32, Flat Nos.205,207,201, and 209 respectively, situated in the , Moon Rock Hotel Complex, bearing Municipal No.16-2-669, Nalgonda 'X' Road Malakpet, Hyderabad, as illegal,, void in contravention of Section 146 and 147 of H.M.C Act and the law laid down by this Hon'ble Court in W.P.No.10846 of 2005 dt.24-5-2005, and to restrain the respondent from demolishing the petitioners shops/premises as stated supra without following the due process of law and pass such other order or orders.

Counsel for the Petitioner: MR.MOHD.ZIA-UL-HAQ

Counsel for the Respondent Nos.1 and 2: MR.RAMA RAO GHANTA

The Court at the stage of admission made the following:

ORDER:

Seeking Writ of Mandamus, declaring the action of the 1st respondent and his staff dated 03.06.2005 orally asking the petitioners to handover their registered sale deeds and to vacate the premises by 16.06.2005, in exchange for a meager unquantified compensation and threatening to demolishing their shops and flats bearing Nos.23, 28,27,32, Flat Nos.205, 207, 201 and 209 respectively, situated in the Moon Rock Hotel Complex, bearing Municipal No.16-2-669, Nalgonda X-Road, Malakpet, Hyderabad, as illegal and void, the present writ petition is filed.

Heard the learned counsel appearing for the petitioners and the learned standing counsel appearing for the respondents.

It is stated that the petitioners are the owners of the properties as mentioned in the writ petition and that the respondents without following due procedure prescribed under the law and without paying any compensation either by way of private negotiations or by way of initiating land acquisition proceedings, are proceeding to take away the properties in utter violation of the principles of natural justice as well as Section 146 and 147 of the Hyderabad Municipal Corporation Act.

This Court disposed of number of writ petitions directing the respondents not to demolish the properties of private citizens without following due process of law or private negotiations.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the respondents not to demolish or take away the properties of the petitioners without following due process of law or private negotiations or initiating the proceedings under the Land Acquisition Act, 1894.

With the above direction, the Writ Petition is disposed of. No order as to costs.

Dated: 16.06.2005

Dsr

Note:

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Issue CC in three days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Assistant City Planner,

Circle No.1, Municipal Corporation of Hyderabad,

Sardar Mahal, Charminar, Hyderabad

2. The Commissioner,

Municipal Corporation of Hyderabad,

Tank Bund, Hyderabad

3. Two CD copies

4. 1 CC to MR.MOHD.ZIA-UL-HAQ

*Form-NIC-OGS/WP{**TRR**}*